

Mr. LAUTENBERG. Mr. President, I will now suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, Mr. President. You can't do that to us because we only have 8½ minutes left on our side.

Mr. LAUTENBERG. You have considerably more based on—

Mr. GRASSLEY. We only have 8½ minutes.

Mr. DORGAN. Mr. President, I ask the Senator to withhold his request for a quorum.

Mr. LAUTENBERG. Yes, I withdraw the request.

Mr. DORGAN. Mr. President, back in the mid-1800s, when Lincoln and Douglas were having their famous debates, at one point Lincoln was exasperated because he could not get Douglas to understand something he was saying. He said to Douglas: Listen, how many legs does a horse have? Douglas said: Four, of course. Lincoln said: If you call the tail a leg, how many legs would he have? Douglas said: Five. Lincoln said: There is where you are wrong. Simply calling a tail a leg doesn't make it a leg at all.

Yes, that is exactly what my colleagues have done, suggesting the amendment we are offering is for untested, unregulated drugs. It is not true. The only drugs we are talking about are FDA-approved drugs that are made at an FDA-inspected plant, part of a chain of custody equal to the U.S. chain of custody. It is simply not true that we are talking about untested, unregulated drugs. That is not true. Simply saying that doesn't make it true.

Here is why we are on the floor of the Senate. We are reforming health care. That is what the bill is. Part of health care is prescription drugs. A lot of people take prescription drugs to keep them out of a hospital bed. It manages their disease. Prescription drugs are very important.

Here is what happened to the prices year after year. As you can see on this chart, the rate of inflation is in yellow and the prescription drug prices are in red. This year alone, it is up 9 percent, at a time when inflation is below zero.

Well, why do we want to be able to access the same FDA-approved drug where it is sold elsewhere at a fraction of the price? Because the American people will pay in the next decade—if we don't pass this legislation—\$100 billion in excess prescription drug prices. If you need to take Nexium for acid reflux—maybe after this vote we will all need it. But if you are going to buy Nexium, it costs \$424 for an equivalent quantity in the United States. You can buy it for \$41 in the UK, \$36 in Spain—but it is \$424 here. Sound fair? Not to me.

Lipitor is the most popular cholesterol-lowering drug in the world. It is \$125 in the United States for an equivalent

quantity. You get the same thing for \$40 in the UK or one-third of the price. It is \$32 in Spain, one-fourth the price. It is \$33 in Canada. The American people get to pay triple or quadruple the price. By the way, it comes in these bottles. I ask unanimous consent to use the bottles.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. They both contained Lipitor that is made in Ireland by an American corporation. They have different colored labels, but they are made in the same plant, FDA approved, and they are sent to different places—this one to Canada and this one to the United States. But we have the privilege of paying triple the price. Sound fair? Not to me it doesn't.

Here is a sample. Boniva, for osteoporosis, is up 18 percent this year. Singulair, for asthma, is up 12 percent. Enbrel, for arthritis, is up 12 percent. Here is Plavix—the list goes on.

The question is, Is there something we ought to do about this or should we say let's pass health care reform and ignore what is happening to the price of prescription drugs? This amendment I offered, along with Senators MCCAIN and GRASSLEY and other colleagues on this side—30 cosponsors—is all about freedom for the American people. If this is a global economy, how about giving the American people the freedom to access identical prescription drugs, which we know are identical because we require safety if it doesn't even exist in our own supply. Those who talk about safety, I remind them 40 percent of the active ingredients in prescription drugs of the United States come from India and China—from places that have never been inspected.

The Wall Street Journal did terrific expose about this. There were over 60 people who died from Heparin in this country. It was contaminated. Here is where they were making it. This picture was in the investigation. Here is a rusty old pot being stirred with a limb from a tree. Those are active ingredients for American drugs. This guy is working with pig intestines—guts from a hog. This old man here, with a wooden stick—it looks unsanitary doesn't it? That is the source of Heparin. These are the photographs by the Wall Street Journal investigative reporter. They are telling us FDA-approved drugs coming from other countries, with a chain of custody identical to ours, would pose some sort of threat. Are you kidding? You can make that charge without laughing out loud?

Let's talk about the existing drug supply for a moment. This is a young man named Tim Fagan. He was a victim of counterfeit domestic drugs in this country—not imported FDA-approved drugs. Do you know where this guy's drug came from? Here is the report done on that. It is made by Amgen. It went through all these places. It ended up at a place called Playpen, which is a south Florida strip club—in a cooler in the back room of a

south Florida strip club. At one point it was stored in car trunks. Finally, it was prescribed and administered to this young man named Tim Fagan. He survived, but he was getting medicine with one-twentieth the necessary strength for a serious disease that his doctor intended for him.

Don't talk to me about the issue of prescription drug safety. We are talking about safety that doesn't now exist in the domestic drug supply, but safety standards are included in this amendment. Every drug should have a pedigree to track where it came from and, in every respect, between manufacture and consumption. There ought to be batch lots and tracers for every drug. There ought to be pedigree for the domestic drug supply as well.

I wish to quote a former vice president of Pfizer Corporation, a prescription drug manufacturer, Dr. Peter Rost:

Right now, drug companies are testifying that imported drugs are unsafe. Nothing could be further from the truth.

This is from a vice president of one of the major drug companies—"nothing can be further from the truth." He was fired, to be sure. You can't say that if you are working for a drug company. Their business is to try to keep the pricing strategy the way it is.

I might say, I don't have a beef with the drug industry. I have a beef with their pricing policy that says we will sell the same drug everywhere in the world at a fraction of the price we charge the American consumer. How do you make that stick? By a sweetheart deal in law that says the American consumer cannot import the drug. The Spanish can import drugs from Germany. The French can import drugs from Italy. But the American consumer is told you don't have the freedom to shop for that same FDA-approved drug—approved because the place where it is produced is inspected by the FDA, in a country with an identical chain of custody, but the U.S. consumer doesn't have the freedom to make that purchase.

If I might, Dr. Peter Rost, the same guy just I quoted, said:

During my time responsible for a region in northeastern Europe, I never once—not once—heard the drug industry, regulatory agencies, the government, or anyone else say this practice was unsafe, and I personally think it is outright derogatory to claim that the Americans would not be able to handle the reimportation of drugs, when the rest of the educated world can do this.

Dr. Peter Rost also said:

The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that, in Europe, reimportation of drugs has been in place for 20 years.

Hank McKinnell, a former Pfizer CEO, said:

Name an industry in which competition is allowed to flourish—computers, telecommunications, small package shipping, retailing, entertainment, and I'll show you lower prices, higher quality, more innovation, and better customer service. There is